

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Emily Devaney	Team: Squad #1	CCRB Case #: 201901603	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 02/07/2019 7:40 AM	Location of Incident: § 87(2)(b)	Precinct: 90	18 Mo. SOL 8/7/2020	EO SOL 3/24/2021	
Date/Time CV Reported Thu, 02/21/2019 8:50 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 02/21/2019 8:50 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DTS James Seery	05483	931985	E S U
2. POM Stephen Sheppard	13816	945001	090 PCT
3. CPT Timothy Skretch	00000	926130	090 PCT
4. An officer			E S U
5. SGT Joseph Armenio	03840	945477	INT CIS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Patrick Mcgrath	17849	958904	090 PCT
2. POM Jonathan Arias	00329	941359	INT CIS
3. DTS Conor Farrell	4069	936572	ESS 01

Officer(s)	Allegation	Investigator Recommendation
A.CPT Timothy Skretch	Abuse: Captain Timothy Skretch entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B.CPT Timothy Skretch	Abuse: Captain Timothy Skretch searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)
C.DTS James Seery	Force: Detective James Seery used physical force against § 87(2)(b)	§ 87(2)(b)
D.DTS James Seery	Force: Detective James Seery used physical force against § 87(2)(b)	§ 87(2)(b)
E. An officer	Force: An officer used physical force against § 87(2)(b) s dog.	§ 87(2)(b)
F.DTS James Seery	Abuse: Detective James Seery threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
G.CPT Timothy Skretch	Abuse: Captain Timothy Skretch refused to show the search warrant to § 87(2)(b)	§ 87(2)(b)
H.POM Stephen Sheppard	Abuse: Police Officer Stephen Sheppard refused to provide his name to § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
I.POM Stephen Sheppard	Abuse: Police Officer Stephen Sheppard refused to provide his shield number to § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Case Summary

On February 21, 2019, § 87(2)(b) filed this complaint with the CCRB by phone.

On February 7, 2019, at approximately 7:40 a.m., § 87(2)(b) and his mother, § 87(2)(b) were asleep in § 87(2)(b)'s home at § 87(2)(b) in Brooklyn, when Captain Timothy Skretch from the 90th Precinct led officers to enter and search the apartment pursuant to a search warrant (**Allegations A-B: Abuse of Authority**, § 87(2)(g)). Detective James Seery from Emergency Services Unit (ESU) allegedly punched § 87(2)(b) and stepped on his ankle (**Allegations C-D: Force**, § 87(2)(g)). An officer allegedly kicked § 87(2)(b)'s dog (**Allegation E: Force**, § 87(2)(g)). Det. Seery threatened to shoot § 87(2)(b) (**Allegation F: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) asked to see the search warrant and Captain Timothy Skretch from the 90th Precinct showed it to § 87(2)(b) instead (**Allegation G: Abuse of Authority**, § 87(2)(g)). Police Officer Stephen Sheppard of the 90th Precinct allegedly did not provide his name and shield number when § 87(2)(b) asked for it (**Allegations H-I: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) was arrested during this incident.

The investigation obtained nine body-worn camera videos (Board Review 01-09). The videos from Police Officer Patrick McGrath and Police Officer Jonathan Arias, both from the 90th Precinct, were incomplete and showed that Sergeant Joseph Armenio of the 90th Precinct instructed them to turn off their body-worn cameras § 87(4-b), § 87(2)(g).

Findings and Recommendations

Allegation (A) Abuse of Authority: Captain Timothy Skretch entered § 87(2)(b) in Brooklyn.

Allegation (B) Abuse of Authority: Captain Timothy Skretch searched § 87(2)(b) in Brooklyn.

It is undisputed that officers entered and searched § 87(2)(b)'s apartment pursuant to a search warrant.

Search warrant § 87(2)(b), obtained under the direction of Capt. Skretch, was signed on § 87(2)(b) by the Honorable Kings County Judge § 87(2)(b) and was executed on February 7, 2019 (Board Review 10).

As per Criminal Procedure Law 690.05, officers may forcibly enter and search a location for which they have a valid search warrant (Board Review 11).

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation (C) Force: Detective James Seery used physical force against § 87(2)(b)

Allegation (D) Force: Detective James Seery used physical force against § 87(2)(b)

Allegation (E) Force: An officer used physical force against § 87(2)(b)'s dog.

Allegation (F) Abuse of Authority: Detective James Seery threatened § 87(2)(b) with the use of force.

§ 87(2)(b) stated that ESU officers entered the apartment while he was asleep on the couch in the living room (Board Review 12-13). § 87(2)(b) initially alleged that an ESU officer approached him and punched him on the left side of the face. § 87(2)(b) later clarified that the officer held his fist against § 87(2)(b)'s face and applied pressure in a "grinding" motion, rather than punched. Both actions caused § 87(2)(b) pain. The officer began to handcuff § 87(2)(b) and stepped on his ankle.

§ 87(2)(b) saw an officer kick his dog. The force caused the dog to travel approximately three feet. § 87(2)(b) did not see the officer who kicked the dog. § 87(2)(b) stated that his dog did not sustain any injuries and his dog did not receive any veterinary treatment. § 87(2)(b) attempted to turn his head to see the officer. The officer told § 87(2)(b) that if he turned around then the officer would shoot. § 87(2)(b) sustained a nosebleed, a laceration on his tongue, and a headache due to the officer grinding his fist into § 87(2)(b)'s face.

§ 87(2)(b) was taken to the 90th Precinct stationhouse and then to Central Booking. While at Central Booking, § 87(2)(b) requested medical attention because he began to experience shortness of breath and he wanted anxiety medication. § 87(2)(b) was taken to the hospital, but the doctor could not find record of § 87(2)(b)'s prescription. § 87(2)(b) did not receive any anxiety medication. He did not receive treatment for any of his other injuries.

§ 87(2)(b) provided a photo that he took on February 13, 2019, six days after the incident, that depicted a contusion his left eye (Board Review 14). § 87(2)(b) explained that this injury was a result of the officer grinding his fist against § 87(2)(b)'s face.

§ 87(2)(b)'s arrest photo did not depict any injuries to § 87(2)(b)'s face (Board Review 15).

§ 87(2)(b)'s medical records from § 87(2)(b) confirmed § 87(2)(b) was transported to the hospital by police but noted that § 87(2)(b)'s only complaint was that he needed medication (Board Review 16). The records stated that § 87(2)(b) denied experiencing headaches and shortness of breath. The attending physician noted that § 87(2)(b) did not report any pain; his nose was normal; and the conjunctivae of his eyes were normal.

§ 87(2)(b) testified that she saw an officer handcuff § 87(2)(b) on the couch (Board Review 17). § 87(2)(b) did not report seeing an officer punch § 87(2)(b) or step on his ankle. § 87(2)(b) did not report that an officer kicked § 87(2)(b)'s dog. She did not hear any conversation between § 87(2)(b) and the officers.

The ESU Warrant Execution Supplemental Report listed Detective Conor Farrell and Det. Seery as the first two officers to enter the apartment (Board Review 18).

Det. Seery testified that Det. Farrell entered the apartment first and Det. Seery followed closely behind him (Board Review 19). Det. Farrell called out for individuals to “get down.” Det. Seery approached § 87(2)(b) and handcuffed him on the ground. Det. Seery did not recall how § 87(2)(b) got to the ground. § 87(2)(b) did not resist in any way. Det. Seery was the only officer to handcuff § 87(2)(b). Det. Seery denied punching § 87(2)(b) and denied stepping on his ankle. Det. Seery did not issue any commands to § 87(2)(b) and did not threaten to shoot him. Det. Seery did not see any officer make contact with § 87(2)(b). Det. Seery did not remember if there were any animals in the apartment and denied that any officer kicked § 87(2)(b)'s dog.

The ESU officers, including Det. Seery, did not have body-worn cameras at the time of incident.

The body-worn camera video from PO Sheppard showed that, beginning at the 19:12 minute-mark of the player's timestamp, § 87(2)(b) complained multiple times that an officer stepped on his foot and kned him in his testicles (Board Review 01). § 87(2)(b) did not mention being punched and did not mention that an officer kicked his dog. The video does not depict evidence of an injury, such as blood, on § 87(2)(b)'s face.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) did not recount that an officer kicked § 87(2)(b)'s dog, and there is no video footage that captures force against his dog. § 87(2)(g)

§ 87(2)(g)

Allegation (G) Abuse of Authority: Captain Timothy Skretch refused to show the search warrant to § 87(2)(b)

§ 87(2)(b) testified that, after he was handcuffed, he asked an officer to see a copy of the search warrant (Board Review 12-13). Capt. Skretch responded and said that he would show the warrant to § 87(2)(b). Capt. Skretch showed the warrant to § 87(2)(b) for approximately two seconds. § 87(2)(b) never saw a copy of the search warrant.

§ 87(2)(b) testified that she heard conversation between § 87(2)(b) and an officer, but she did not know what they were saying (Board Review 17). Capt. Skretch showed § 87(2)(b) the search warrant.

Body-worn camera video from PO Sheppard showed that § 87(2)(b) asked to see the search warrant while he is sitting in handcuffs, as shown at the 2:00 minute-mark (Board Review 01). Capt. Skretch replied that he would show the warrant to § 87(2)(b) which he did. Capt. Skretch confirmed the apartment's address with § 87(2)(b) and pointed out that the warrant was for § 87(2)(b).

Capt. Skretch testified that he did not recall why he did not show the warrant to § 87(2)(b) (Board Review 20). Capt. Skretch explained that it is his practice to show the search warrant to the homeowner first and then the subject when feasible and safe to do so. Capt. Skretch stated that he did not have a reason for prioritizing the homeowner. Capt. Skretch did not know if § 87(2)(b) was ever shown a copy of the search warrant; however, Capt. Skretch did not recall § 87(2)(b) at the scene at all.

§ 87(2)(g)

According to New York Criminal Procedure Law § 690.50, a police officer must show an occupant the warrant or a copy thereof upon request (Board Review 21). Additionally, Patrol Guide Procedure 221-17 requires an officer to show a copy of the search warrant upon request when it is safe to do to (Board Review 22).

§ 87(2)(g)

Allegation (H) Abuse of Authority: Police Officer Stephen Sheppard refused to provide his name to § 87(2)(b)

Allegation (I) Abuse of Authority: Police Officer Stephen Sheppard refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) testified that, while he was handcuffed inside the apartment, he asked an officer, who the investigation identified as PO Sheppard, for all the officer's names and shield numbers (Board Review 12-13). The officer did not reply to § 87(2)(b)'s request. When PO Sheppard brought § 87(2)(b) to the NYPD vehicle for transport, § 87(2)(b) requested the officers' names and shield numbers again. PO Sheppard did not provide them.

The body-worn camera video from PO Sheppard showed that § 87(2)(b) did not request any officer's name or shield number in the apartment. After PO Sheppard brought § 87(2)(b) to the police car outside the apartment, § 87(2)(b) stated, "I want everybody's badge numbers who entered that apartment," as shown at the 23:33 minute-mark (Board Review 01). § 87(2)(b) did not request any officers' names. § 87(2)(b) repeated his statement that he wanted everyone's badge numbers and went on to say that the search warrant was not right. PO Sheppard replied that he refused to talk about § 87(2)(b)'s case. PO Sheppard did not provide his shield number.

PO Sheppard testified that he did not provide his shield number to § 87(2)(b) because § 87(2)(b) did not request it (Board Review 23). PO Sheppard stated that he is only required to provide his shield number if an individual asks him for it. At the time of incident, PO Sheppard did not understand § 87(2)(b) to be asking for his shield number. During his interview, PO Sheppard stated he did not believe that § 87(2)(b)'s statement constituted a request for PO Sheppard's shield number. PO Sheppard stated that he would have provided his shield number if § 87(2)(b) requested it.

§ 87(2)(g)

NYPD Patrol Guide Procedure 203-09 requires that an officer courteously and clearly state their shield number to anyone who requests the officer to do so (Board Review 24).

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been a party (Board Review 27).
- Capt. Skretch has been a member of service for 19 years and has been a subject in 10 CCRB complaints and 12 allegations, none of which were substantiated. § 87(2)(g)
[REDACTED]
- Det. Seery has been a member of service for 17 years and has been a subject in three CCRB complaints and six allegations, none of which were substantiated. § 87(2)(g)
[REDACTED]
- PO Sheppard has been a member of service for 12 years and has been a subject in 15 CCRB complaints and 33 allegations, of which four were substantiated (Board Review 28):
 - 200804416 involved a substantiated allegation of a question against PO Sheppard. The Board recommended Command Discipline and the NYPD imposed Instructions.
 - 201402388 involved substantiated allegations of frisk, search, and stop against PO Sheppard. The Board recommended Command Discipline-B and the NYPD imposed Command Discipline-B.
 - § 87(2)(g)
[REDACTED]

- Sgt. Armenio has been a member of service for 12 years and has been a subject in five CCRB complaints and four allegations, none of which were substantiated (Board Review 28).

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED]
- As of January 2, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (Board Review 30).

Squad No.: _____

Investigator: _____	_____	_____
Signature	Print Title & Name	Date

Squad Leader: _____	_____	_____
Signature	Print Title & Name	Date

Reviewer: _____	_____	_____
Signature	Print Title & Name	Date